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Patent  
Attorney Docket No. 033294-021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Keiichi Koga et al.

Application No.: 10/720,180

Filing Date: November 25, 2003

Title: ELECTRIC PARKING BRAKE APPARATUS

Group Art Unit: 3683

Examiner: MARIANO ONG SY

Confirmation No.: 4336

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per  
Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☐ Also enclosed is/are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  
☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered.  
Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted \_\_\_\_\_  
\_\_\_\_\_  
on \_\_\_\_\_  
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_,  
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.  
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also  
enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	14	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	4	MINUS 4 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800.
- ☐ Charge \_\_\_\_\_ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: May 2, 2005

By Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32,814



In re Patent Application of )  
Keiichi Koga et al. ) Group Art Unit: 3683  
Application No.: 10/720,180 ) Examiner: Mariano Sy  
Filed: November 25, 2003 ) Confirmation No.: 4336  
For: ELECTRIC PARKING BRAKE )  
APPARATUS )

### RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated April 1, 2005, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application are directed to two different species. As identified in the Official Action, the two species are as follows.

Species A involving Claims 1-4, 10-12 and 14.

Species B involving Claims 5-9 and 13.

Based on the Examiner's observation that the two claim groupings are patentably distinct from one another, an election of species requirement has been imposed requiring an election of one of the two species.

In response to the election of species requirement, applicants hereby elect, with traverse, the claim grouping identified as Species A. Claims 1-4, 10-12 and 14 are included in this claim grouping.

The election of the claim grouping identified as Species A is made with traverse because the basis for the election of species requirement is improper. As pointed out in the response filed on January 10, 12005, the claims in this application define the disclosed embodiment of the electric parking brake apparatus in terms of different combinations and arrangements of features. The claims vary from one another in terms of breadth or scope, but are not directed to different species of the electric parking brake apparatus. The Official Action does not identify the different disclosed species, but rather only refers to different claim groupings.

In addition, § 806.04(e) of the Manual of Patent Examining Procedure points out that "[c]laims are different definitions of the invention." This section goes on to emphasize that "*[c]laims are never species.*" Rather, "*[s]pecies are always the specifically different embodiments*" (emphasis in original).

For at least the reasons discussed above, withdrawal of the election of species requirement and examination of all of the claims of this application are respectfully requested.

Should any questions arise in connection with the application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: May 2, 2005

By: Matthew L. Schneider  
Matthew L. Schneider  
Registration No. 32,814

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